

REMARKS

Pending claims 1-19 have been rejected as indefinite and claims 1-22 have been rejected as anticipated by or obvious over the recited prior art. These rejections are traversed and reconsideration is respectfully requested in light of the amendments herein and the arguments presented below.

The Applicants express their appreciation for the telephone interview conducted by Dr. Roger Kautz and their undersigned attorney with Examiner Sakelaris and Examiner Conley on August 19, 2009. The Examiners' helpful comments will be summarized in context below.

Amendments to the Claims

Claims 20-22 are cancelled herein and new claim 23 has been added. Support for new claim 23 may be found at least at p. 29, lines 26-34, and Applicants submit that no new matter has been added. Claims 1-4, 6, 8-12 and 15-19 are amended herein to address the language usage concerns of the Examiner. Applicants submit that these amendments have not changed the scope of the indicated claims.

Rejections for Indefiniteness

Rejections 1-4 and 6 address the Examiner's concern with the wording of the indicated claims. Following the telephone interview indicated above and the Examiner's suggestion, as indicated in the Interview Summary dated August 21, 2009, that the Applicants include an order to the addition of reagents and specify the composition of and the relationship among the system's three components, Applicants submit the above-indicated

amendments. Support for these amendments, particularly in regard to the term "preferentially wettable," may be found at least at p. 6, lines 10-22; p. 6, lines 28-31; p. 14, lines 8-32; and p. 15, lines 8-18.

Rejection 5 is directed to the use of a trademark or trade name in claim 10. Claim 10 has been amended to use generic language.

Thus, Applicants submit that all rejections for indefiniteness have been overcome.

Rejections over the Prior Art

Claims 1-4 and 11-13 have been rejected as anticipated by Kellogg et al. Applicants submit that Kellogg et al. does not disclose or even suggest the indicated claims, as amended to recite that:

said interior wall surface of said conduit system, said **[immiscible]** carrier liquid and said first solvent are selected so that said interior wall surface is wettable by said carrier liquid preferentially to said first solvent and wherein said interior wall surface of at least a first section of said system is provided by a preferentially wettable covalent coating over a conduit system material that inherently, without said preferentially wettable covalent coating, is not preferentially wettable by said carrier liquid.

Applicants have recited a required relationship among the three components of the system for practicing the method of the invention - the carrier liquid, the sample solvent and the interior surface of the flow channel (or conduit) itself. This relationship, required in practice of the claimed method, permits the passage of multiple, very small samples through the same conduit with essentially no carryover between samples or

contamination of the conduit surfaces passed over as it is the carrier fluid, not the sample solvent, that "preferentially wets" the interior conduit surface.

In contrast, Kellogg et al. discloses (e.g., at col. 10, lines 57-64) the use of a surface that is "non-wettable" by the sample as a means of **impeding** sample movement in a specific direction. The use of coatings to **guide** fluid flow are well-known, and this use is not part of the claimed method.

Therefore, Applicants submit that Kellogg et al. does not anticipate the indicated claims and the rejection has been overcome.

Claims 15-19 have been rejected as obvious over Kellogg et al., the Examiner saying that it would be obvious to repeat the method steps for multiple samples. While not admitting that this rejection is correct, Applicants point out that Kellogg et al. does not disclose all of the steps of amended claims 15-19, which include the amendments pointed out and discussed above for claims 1-4 and 11-13. Therefore, Applicants submit that Kellogg et al. cannot make obvious claims 15-19 and the rejection has been overcome.

Claims 5, 10, 14 and 6 & 9 and 8 and 7 have all been rejected as obvious over various combinations of Kellogg et al. with Behnia et al., Yang and/or Anderson. Applicants submit, however, that none of the additional prior art references, in any combination with Kellogg et al., overcomes the deficiencies of Kellogg et al. described above. Therefore, the additional references cannot make obvious the recited claims and the rejections are overcome.

Claims 20-22 have been rejected as obvious over Kellogg et al. in view of Yang et al. As claims 20-22 have been cancelled, Applicants submit that the rejection has been made moot.

Applicants submit that all claims are in condition for allowance and such action is respectfully requested.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

ROGER A. KAUTZ, et al.

Dated: August 31, 2009

By: Holliday C. Heine/
Holliday C. Heine, Ph.D.
Registration No. 34,346
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

HCH/nja

383631.1